

Court of Appeals, State of Michigan

ORDER

Department of Agriculture and Rural Development v Kenneth L Engle

Docket No. **357509**

LC No. **2020-035493-CZ**

Christopher M. Murray, Chief Judge, acting under MCR 7.203(F)(1), orders:

The claim of appeal is DISMISSED for lack of jurisdiction because the April 29, 2021 order granting summary disposition in favor of appellees is not a final order appealable of right. MCR 7.202(6)(a); MCR 7.203(A). Particularly, that order is not a final order under MCR 7.202(6)(a)(i) because it leaves the cross claim of defendant/cross-plaintiff Yuba Orchard Company, LLC, against appellants undisposed. The trial court's indication in the May 25, 2021 order denying a motion for reconsideration that it intended the April 29, 2021 order to be a final order appealable of right is insufficient to make the April 29, 2021 order actually be such a final order appealable of right. *Faircloth v Family Independence Agency*, 232 Mich App 391, 401-402; 591 NW2d 314 (1998) (trial court certification does not resolve whether an order is actually final). Dismissal is without prejudice to the filing of a delayed application for leave to appeal under MCR 7.205(A)(4), provided such a filing meets all requirements under the court rules and is not time-barred. Alternatively, appellants may be able to file a timely claim of appeal after entry of a final order under MCR 7.202(6)(a)(i).





A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

June 22, 2021

Date


Chief Clerk